



3738

PTO/SB92 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U. S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

### Certificate of Mailing under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

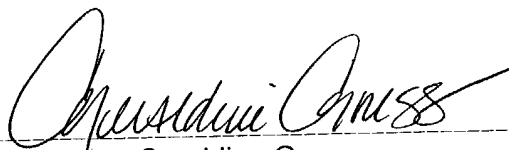
Mail Stop:  
Commissioner For Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

MAR 09 2004

TECHNOLOGY CENTER R3700

on March 1, 2004  
Date

  
Geraldine Gress

Reed Smith LLP  
599 Lexington Avenue  
29th Floor  
New York, New York 10022-7650  
Tel: 212-521-5400; Fax: 212-521-5450

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Applicant: Oren Globberman, et al.

Serial No: 09/890,172

Filing Date: July 25, 2001

For: EXPANDABLE INTERVERTEBRAL SPACER

Enclosures: (1) Transmittal of Information Disclosure Statement (1 page);  
(2) 1st Supplemental Information Disclosure Statement (2 pages) w/IDS Citation (1 page) & two cited references; (3) Acknowledgement Postcard.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT**  
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.  
110/02239

In Re Application Of: **Oren GLOBERMAN et al.**

Serial No.  
09/890,172

Filing Date  
July 25, 2001

Examiner  
**PREBILIC, P. B.**

Group Art Unit  
3738

Title: **EXPANDABLE INTERVERTEBRAL SPACER**



Address to:  
**Commissioner for Patents**  
P.O. Box 1450  
Alexandria, VA 22313-1450

**37 CFR 1.97(b)**

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

**37 CFR 1.97(c)**

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:

☐ the statement specified in 37 CFR 1.97(e);

**OR**

☐ the fee set forth in 37 CFR 1.17(p).

**RECEIVED**

**MAR 09 2004**

**TECHNOLOGY CENTER R3700**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Oren GLOBERMAN et al.

Serial No : 09/890,172

Group Art Unit: 3738

Filed : July 25, 2001

Examiner: PREBILIC, P. B.

For : Expandable Intervertebral Spacer

**FIRST SUPPLEMENTARY INFORMATION DISCLOSURE STATEMENT**

Hon. Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED****MAR 09 2004**

TECHNOLOGY CENTER R3700

Sir:

Applicants respectfully direct the attention of the Examiner to additional art cited with respect to U.S. Application No. 09/890,172 which is a U.S. national stage application under 35 U.S.C. §371 of PCT Application No. PCT/IL00/00058.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is an Equivalent to Form PTO-1449 listing the cited art. Also attached are copies<sup>1</sup> of the art. This art contains information which the Examiner may consider to be important in deciding whether to allow the present application to issue as a patent.

In accordance with MPEP Section 609 it is requested that each document cited [including any mentioned in Applicants' specification which is not repeated on the attached {or prior} PTO-1449 form(s) or equivalent(s) thereof] be given thorough consideration and be

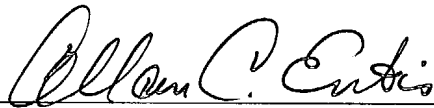
<sup>1</sup> To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

cited of record in the prosecution history of the present application by initialing on the PTO-1449 form or its equivalent, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,  
Oren GLOBERMAN, et al.

A handwritten signature in cursive script, reading "Allan C. Entis", is written over a horizontal line.

Allan C. ENTIS,  
Registration No. 52,866

February 24, 2004  
William H. Dippert, Esq.  
Reed Smith LLP  
599 Lexington Avenue, 29<sup>th</sup> Floor  
New York, NY 10022-7650

Tel: (212) 521-5400

(Use several sheets if necessary)

**110/02239**

**09/890,172**

**APPLICANT(S)**

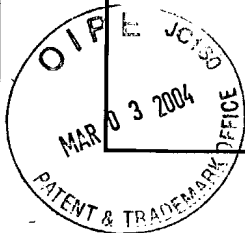
Oren GLOBERMAN et al.

FILING

**July 25, 2001**

GROUP

3738

[illegible]

RECEIVED

MAR 09 2004

TECHNOLOGY CENTER R3700

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Patent and Trademark Office\*U.S. DEPARTMENT OF COMMERCE